

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Garcia Wilson,)	C/A No.: 1:18-50-RMG-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Warden Willie Eagleton, Officer)	
Lucas, Officer Cotton, Officer Sims,)	
and Officer Williamson,)	
)	
Defendants.)	
)	

Garcia Wilson (“Plaintiff”) filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights during his incarceration at Evans Correctional Institution (“ECI”) in the custody of the South Carolina Department of Corrections (“SCDC”). Plaintiff asserts claims against ECI Warden Willie Eagleton (“Eagleton”) and SCDC officers Lucas, Cotton, Sims, and Williamson (collectively “Defendants”).

This matter comes before the court on Plaintiff’s motion to compel. [ECF No. 49]. The undersigned held a hearing on the motion on December 19, 2018. [ECF No. 52]. Subsequently, the parties advised the court that all disputes at issue in the motion to compel are moot save for the two issues discussed below.

The first remaining discovery dispute is whether Defendants must produce the file related to the investigation of the stabbing of the prisoner

plaintiff. The stabbing at issue is directly related to Plaintiff's claim for failure to protect. Therefore, the court finds that the investigatory file is relevant and that any privacy or security concerns with its production will be alleviated by producing the document under the terms of the confidentiality order.

Defendants have also objected to the production of the investigatory file related to now-former correctional officer Lucas. Plaintiff alleges Lucas personally assaulted him and allowed others to assault him by refusing to lock Plaintiff's cell door. The investigatory file is prepared by SCDC Police Services, which is an independent investigatory branch of SCDC. Defendants had concerns about the effect producing these documents might have on current and future criminal prosecutions. Given Plaintiff's allegations regarding Lucas, this investigatory file also is directly relevant to the claims in Plaintiff's case. Therefore, SCDC is also directed to produce this file pursuant to the terms of the confidentiality order.

IT IS SO ORDERED.



December 19, 2018
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge